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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,737	02/28/2005	Naoki Suehiro	052159	8318
38834 7590 02/18/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER FLORES, LEON				
ART UNIT 2611		PAPER NUMBER		
MAIL DATE 02/18/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,737

Applicant(s)

SUEHIRO, NAKOI

Examiner

LEON FLORES

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 12/29/2008 have been fully considered but they are not persuasive.

Response to Remarks

Applicant asserts that "Suehiro does not suggest the transmission data sequences of claim 1 having a data structure wherein a plurality of transmission data are arranged with 0 data of a predetermined length added between the plurality of the transmission data".

The examiner respectfully disagrees. The reference of Suehiro, who is the same person as in the present application, does suggest the transmission data sequences of claim 1 having a data structure wherein a plurality of transmission data are arranged with 0 data of a predetermined length added between the plurality of the transmission data. (See sections 1-4. Especially section 4.2, equation 7)

Applicant further asserts that "Sections 2 and 3 of Suehiro, as cited by the Examiner, include no equations which suggest the insertion of 0 data of a predetermined length as part of "producing a plurality of transmission data sequences." In addition, the sections do not suggest "repeating each finite- length signal of said finite-length signals SA,x, SB,y, ... to produce a pseudo periodic signal ..., SA,x, SA,x, SA,X ..., ..., SB,y, SB,y, SB,y, ..., " Sections 2 and 3 do not suggest the "repeating" feature, rather, the reference suggest a set of different periodic signals that do not repeat. See, Section 3, equation 1 of Suehiro".

The examiner agrees. However, applicant is reminded that MPEP 2141 states that "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)" Therefore, section 4 does suggest the insertion of 0s to produce a plurality of transmission data sequences. (See equation 7) Furthermore, the reference of Suehiro does suggest "repeating each finite- length signal of said finite-length signals SA,x, SB,y, ... to produce a pseudo periodic signal ..., SA,x, SA,x, SA,X ..., ..., SB,y, SB,y, SB,y, ..., " (See section 4 "A and B are repeated")

Applicant further asserts that "Section 4 does not suggest "cutting out a part from said pseudo periodic signal to produce a signal of a predetermined length longer than Nm for making said signal a transmission signal. The example in Section 4 involves the cutting of a sequence from an infinite length sequence and not from a pseudo periodic signal. See, Section 4, para. 4 of Suehiro".

The examiner respectfully disagrees. The reference of Suehiro, who is the inventor in the present application, does suggest cutting out a part from said pseudo periodic signal to produce a signal of a predetermined length longer than Nm for making said signal a transmission signal. (See section 4 "A' is produced by cutting a sequence of the repeated sequence (.....AAAA.....))

Applicant finally asserts that "The "insertion of guard bands" method invoked by the Examiner is not mentioned in the reference. The Examiner did not provide any other reference citation for the origin of these "guard bands" nor did the Examiner explain

what the "guard bands" are or how they would be added. There is also no suggestion in the reference to modify the reference to include "guard bands."

The examiner respectfully disagrees. As stated earlier, applicant is reminded that MPEP 2141 states that "A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)" Therefore, section 4 does suggest the insertion of 0s to produce a plurality of transmission data sequences. (See equation 7) However, taking the contrary, the examiner is providing a reference to show evidence that the use of guard bands (or the insertion of zeros between data symbols) is notoriously well known in the art, and it is mainly used to prevent interference. See Herbert Taub "Principles of Communication Systems" second edition pages 185-188)

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims (1-9) are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The instant claims neither transform underlying subject matter nor positively tie to another statutory

category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example, claims 1 & 9 do not recite what apparatus is performing this method.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. **Claims (1-9) are rejected under 35 U.S.C. 103(a) as being unpatentable over Naoki Suehiro et al. (hereinafter Suehiro), "Very Efficient Wireless Frequency Usage by Coherent Addition of Multipath Signals Using ZCCZ Sequence Set", Graduate School of Systems and Information Engineering, July 2002 for the same reasons as set forth in the last office action.**

Re claim 1, Suehiro discloses a transmission method comprising the steps of:
 using a plurality of data sequences

$$A = \{a_0, a_1, \dots, a_{M-1}\}, B = \{b_0, b_1, \dots, b_{M-1}\}, \dots$$

(Section 3 equation 1)

and a plurality of coefficient sequences

$$X = \{x_0, x_1, \dots, x_{N-1}\}, Y = \{y_0, y_1, \dots, y_{N-1}\}, \dots$$

(See sections 2 "X and Y", and section 3 equation 1)

But the reference of Suehiro fails to explicitly teach
 producing a plurality of finite-length signals of a length Nm

$$S_{A,X} = \{x_0 A_0, 0, \dots, 0, x_1 A_1, 0, \dots, 0, x_2 A_2, 0, \dots, 0, \dots, x_{M-1} A_{M-1}, 0, \dots, 0\}$$

$$S_{B,Y} = \{y_0 B_0, 0, \dots, 0, y_1 B_1, 0, \dots, 0, y_2 B_2, 0, \dots, 0, \dots, y_{M-1} B_{M-1}, 0, \dots, 0\}$$

repeating each finite-length signal of said finite-length signals

$$S_{A,K} = S_{B,Y} = \dots$$

to produce a pseudo periodic signal

$$\dots, S_{A,K}, S_{A,K}, S_{A,K}, \dots, S_{B,Y}, S_{B,Y}, S_{B,Y}, \dots, S_{A,K}, S_{A,K}, S_{A,K}, \dots$$

and cutting out a part from said pseudo periodic signal to produce a signal of a
 predetermined length longer than Nm for making said signal a transmission signal.

However, the reference of Suehiro does suggest producing a plurality of finite-
 length signals of a length Nm

$$S_{A,X} = \{x_0 A_0, 0, \dots, 0, x_1 A_1, 0, \dots, 0, x_2 A_2, 0, \dots, 0, \dots, x_{M-1} A_{M-1}, 0, \dots, 0\}$$

$$S_{B,Y} = \{y_0 B_0, 0, \dots, 0, y_1 B_1, 0, \dots, 0, y_2 B_2, 0, \dots, 0, \dots, y_{M-1} B_{M-1}, 0, \dots, 0\}$$

(See equations 1 & 7)

repeating each finite-length signal of said finite-length signals

$S_{A,X} + S_{B,Y} + \dots$

to produce a pseudo periodic signal

$\dots S_{A,X} + S_{B,Y} + S_{A,X} + S_{B,Y} + \dots S_{A,X} + S_{B,Y} + S_{A,X} + S_{B,Y} + \dots$

and cutting out a part from said pseudo periodic signal to produce a signal of a predetermined length longer than Nm for making said signal a transmission signal. (See sections 2-4 "A" is produced using the repeated sequence (....AAAA....) Furthermore, one skilled in the art would know that the insertion of guard bands between symbols is notoriously well known in the art, and they are mainly used to prevent intersymbol interference.))

Therefore, it would have been obvious to one of ordinary skills in the art to incorporate this feature into the system of Suehiro, in the manner as claimed, for the benefit of mitigating the effects of intersymbol interference.

Re claim 2, the reference of Suehiro further discloses the step of adding up a plurality of signals of a predetermined length, cut out from the pseudo periodic signal produced from different finite-length signals, to produce a transmission signal. (See section 4)

Re claim 3, the reference of Suehiro further discloses that wherein a plurality of transmission signals are produced using different coefficient sequences and in an arbitrary combination of said plurality of transmission signals, a periodic cross-

coefficient function of the transmission data of said transmission data sequences is 0 for all shifts. (See section 2)

Re claim 4, the reference of Suehiro further discloses that wherein a plurality of transmission signals are produced using different coefficient sequences and in an arbitrary combination of said plurality of transmission data sequences, the plurality of transmission signals are transmitted in parallel so that periodic spectrums of the transmission signals have no correlation. (See section 2)

Re claim 5, the reference of Suehiro further discloses that wherein said coefficient sequence is a row vector of a DFT matrix. (See section 2)

Re claim 6, the reference of Suehiro further discloses a communication method comprising the steps of: transmitting the transmission signal according to claim 1 or 2; and receiving said transmission signal and outputting a data sequence via a matched filter corresponding to said coefficient sequence. (See section 4)

Re claim 7, the reference of Suehiro further discloses that wherein at least one transmission signal selected from said transmission signals is used as a pilot signal for measuring multi-path characteristics, and the received signal has multi-path characteristics of a transmission path. (See section 4)

Re claim 8, the reference of Suehiro further discloses that wherein a plurality of transmission signals are produced using different coefficient sequences of a spreading sequence and at least one transmission data sequence selected from said transmission data sequences is used as the pilot signal with other transmission signals used as transmission signals, further comprising the steps of: finding multi-path characteristics from the reception signal of the pilot signal; and removing the multi-path characteristics from the reception signal of the transmission signal using the multi-path characteristics, which are found, to produce a data sequence. (See sections 1 & 4.2)

Claim 9 has been analyzed and rejected w/r to claim 1 above.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEON FLORES whose telephone number is (571)270-1201. The examiner can normally be reached on Mon-Fri 7-5pm Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. F./
Examiner, Art Unit 2611
February 12, 2009

/David C. Payne/
Supervisory Patent Examiner, Art Unit 2611